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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,550	07/16/2003	Bart ter Braak	09424.0190US01	8445
23552	7590	11/20/2006	EXAMINER	
MERCHANT & GOULD PC			FERGUSON, MICHAEL P	
P.O. BOX 2903			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-0903			3679	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/620,550	TER BRAAK, BART	
	Examiner Michael P. Ferguson	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 September 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3-17 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 3-17 and 20-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 19, 2006 has been entered.

### ***Claim Objections***

2. Claim 24 is objected to because of the following informalities:

Claim 24 recites "a current rail". It should recite --a curtain rail--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3-14,17 and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Voss (US 5,518,056).

As to claim 17, Voss discloses a rail system, comprising:

a rail to be suspended (window covering rail; not shown, at upper end of cords 20,22);

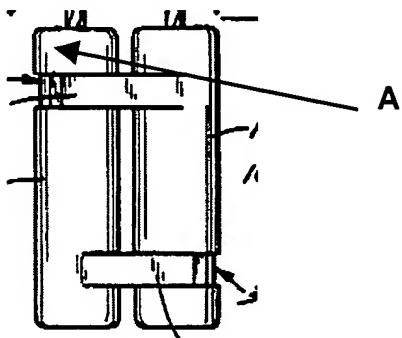
a safety connection coupled to the curtain rail, the safety connection comprising a first 14 and a second 12 retaining element, wherein after mounting, one of the retaining elements is coupled to the rail to be suspended (via cord 22; rail not shown) and the other of the retaining elements is connected to a mounting surface (via cord 20; mounting surface not shown), the first and second retaining elements being detachably connected to each other such that, under the influence of a tensile force applied to the retaining elements, the retaining elements disconnect, wherein the second retaining element integrally forms a resilient lip 30, and wherein the first and second retaining elements are configured to cooperate via the integrally formed resilient lip to effect the detachable coupling of the retaining elements (Figures 1,8).

As to claims 3 and 4, Voss discloses a system wherein the resilient lip 30, after mounting, extends, on average, in a direction including an angle with a vertical plane in the range of approximately 15- 30 degrees (Figure 2).

Applicant is reminded that orientation of an object is based upon the angle at which it is viewed.

As to claim 5, Voss discloses a system wherein the resilient lip 30 is manufactured from plastic (Figure 3).

As to claim 6, Voss discloses a system wherein a front end of the resilient lip 30 of the second retaining element 12 touches a slide-off surface 34,A (Figure 5 reprinted below with annotations) of the first retaining element 14 (Figure 8).



As to claim 7, Voss discloses a system wherein the front lip end 30 comprises a sliding surface which is substantially parallel to part of the slide-off surface 34,A of the first retaining element 14 (Figure 8).

As to claims 8 and 9, Voss discloses a system wherein the slide-off surface A of the first retaining element after mounting, viewed in a vertical cross section, includes an angle with a vertical plane in the range of 60-70 degrees (Figure 5).

As to claim 10, Voss discloses a system wherein the first retaining element 14, after mounting, extends partly through a substantially vertical passage of the second retaining element 12 (Figure 1).

As to claim 11, Voss discloses a system wherein the first retaining element 14 is provided with a widened head A located, after mounting, above the passage, which head touches the front end of the resilient lip 30 of the second retaining element 12 (Figure 1).

As to claim 12, Voss discloses a system wherein the widened head A of the first retaining element 14 is provided with the slide-off surface 34,A (Figure 8).

As to claim 13, Voss discloses a system wherein the second retaining element **12** comprises a plurality of resilient lips **30** extending obliquely towards each other for forming a constriction of the passage of the second retaining element (Figure 8).

As to claim 14, Voss discloses a system wherein the first **14** and second **12** retaining elements are each of rotation-symmetrical design relative to an axis of symmetry, which is vertical, after mounting (Figure 1).

As to claim 20, Voss discloses a system wherein the integrally formed resilient lip **30** comprises a radially outward extending resilient lip (Figure 8).

As to claim 21, Voss discloses a system wherein the second retaining element **12** comprises a monolithic element defining the resilient lip **30** (Figure 8).

As to claim 22, Voss discloses a system wherein the second retaining element **12** comprises a monolithic element defining the resilient lip **30** (Figure 8).

As to claim 23, Voss discloses a system wherein the resilient lip **30** extends longitudinally beyond the first retaining element **14** and radially outward (Figure 1).

As to claim 24, Voss discloses a system wherein the rail is a curtain rail (window covering rail, at upper end of cords **20,22**; rail not shown).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voss.

As to claims 15 and 16, Voss discloses a system wherein the retaining element 30 connected to the mounting surface (via cord 20; mounting surface not shown) is mounted in a tube (window cover rail; via cord 22; rail not shown).

Voss fails to disclose a system wherein the tube (window cover rail; not shown) has an inside diameter in the range of 10- 15 mm.

The applicant is reminded that a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a system as disclosed by Voss wherein the tube has an inside diameter in the range of 10-15 mm as such practice is a design consideration within the skill of the art.

#### ***Response to Arguments***

7. Applicant's arguments filed June 19, 2006 have been fully considered but they are not persuasive.

As to claim 17, Attorney argues that:

Voss does not disclose a rail system comprising a safety connection coupled to a rail, the safety connection comprising a first and a second retaining element, wherein after mounting, *one of the retaining elements is coupled to the rail to be suspended and the other of the retaining elements is connected to a mounting surface.*

Examiner disagrees. As to claim 17, Voss discloses a rail system comprising a safety connection coupled to a rail (window covering rail, at upper end of cords **20,22**; rail not shown), the safety connection comprising a first **14** and a second **12** retaining element, wherein after mounting, one of the retaining elements is coupled to the rail to be suspended (via cord **22**; rail not shown) and the other of the retaining elements is connected to a mounting surface (via cord **20**; mounting surface not shown; Figures 1,8).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF  
11/13/06



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